

## REMARKS

### **I. Introduction**

With the addition of new claims 23 to 29, claims 1 to 29 are currently pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

### **II. Rejection of Claims 1 to 22 Under 35 U.S.C. § 103**

Claims 1 to 22 stand rejected under 35 U.S.C. § 103 as unpatentable over the combination of U.S. Patent Application Publication No. 2003/0208767 ("Williamson et al.") and U.S. Patent Application Publication No. 2004/0003097 ("Willis et al."). It is respectfully submitted that the combination of Williamson et al. and Willis et al. does not render unpatentable any of claims 1 to 22 for at least the following reasons.

Establishment of *prima facie* obviousness requires satisfaction of three separate criteria. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the proposed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). The reasonable expectation of success must be found in the prior art, and must not be based on applicant's disclosure. *In re Vaeck, supra*. Third, the prior art reference(s) must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Each of claims 1, 18, and 19 recites, *inter alia*, the following:

*... receiving from a user a user profile which identifies preferred media distribution sources ... searching a plurality of media distribution source types for media content based on the at least one search criteria and the user profile ... generating, from results of the searching, a schedule including scheduling information regarding the media content; and displaying the schedule to the user.*

Thus, claims 1, 18, and 19 provide novel and counter-intuitive features in which, in response to a search request, a schedule is generated including scheduling information regarding media content from a plurality of media distribution source types, which, it is noted, often are scheduled in different manners. For example, movie theatre schedules include gaps as compared to TV program schedules which are, for the most part,

continuous. Neither Williamson et al. nor Willis et al., whether considered alone or in combination, disclose or suggest these features.

The Office Action admits that Williamson et al. do not disclose searching a plurality of media distribution source types for media content based on search criteria and a user profile, and instead refers to Willis et al. as assertedly disclosing searching for content from a plurality of media distribution source types.

However, as explained in Applicants' Response dated July 18, 2007, Willis et al. provide a portal type system in which user preferences are used for filtering articles from different sources. The articles are provided to the user in a portal setting in which the different article categories are presented in different frames. In order to perform the filtering, a content generator generates for each obtained article a new version including searchable metadata. Subsequently, a content based router 130 filters the articles in accordance with user preferences and accordingly displays the articles in the portal. *See* Willis et al., e.g., pars. 0085 – 0096. Willis et al. do not disclose or suggest generating a results information of a certain type gleaned from the various filtered articles, and certainly do not disclose or suggest generating a schedule based on the filtered articles. Further, Willis et al. do not disclose providing its portal information responsive to search criteria. Instead, obtained articles are sorted based on a set of user preferences. The different articles are determined to be relevant based on different ones of the set of preferences and are provided without regard to particular search criteria.

Thus, even if the system of Williamson et al. is modified, as suggested by the Examiner, to include the features of the content delivery system of Willis et al., the modified system would at most provide a portal in which obtained articles, one of which may include a television program schedule, are filtered in accordance with user preferences and then provided to the user in portal frames in accordance with the information category to which the obtained articles belong. The modified system would not disclose or suggest the features of any of claims 1, 18, and 19, particularly, the features of generating a schedule in response to a search request, where the schedule includes scheduling information of results obtained from searching a plurality of media distribution source types.

In the "Response to Arguments" section, the Office Action asserts that the discussion in par. 0085 of Willis et al. regarding definitions of agents that run on a scheduled basis to query a data source for information discloses generating a schedule as provided for in the context of claim 1. Applicants respectfully disagree. While the definition of such agents may be considered to be a generation of a schedule for performing queries, the schedule is

unrelated to the schedule of claim 1. In this regard, the schedule of Willis et al. is not generated from results of searching, but is rather a schedule for performing searches. Further, the schedule is not one that is displayed, as it is not an informative schedule, but rather a task schedule. Thus, the schedule of par. 0085 of Willis et al. does not correct the critical deficiencies noted above with respect to the combination of Willis et al. and Williamson et al.

Indeed, one skilled in the art would not arrive at the features of any of claims 1, 18, and 19 based on the combination of Williamson et al. and Willis et al. without an improper hindsight reconstruction based on Applicants' disclosure.

Accordingly, the combination of Williamson et al. and Willis et al. does not render unpatentable any of claims 1, 18, and 19.

Claim 16 includes subject matter analogous to that of claims 1, 18, and 19 and is therefore patentable for at least the same reasons set forth above in support of the patentability of claims 1, 18, and 19.

As for claims 2 to 15 and 20, which ultimately depend from claim 1 and therefore include all of the features recited in claim 1, it is respectfully submitted that the combination of Williamson et al. and Willis et al. does not render unpatentable these dependent claims for the same reasons set forth above in support of the patentability of claim 1. *In re Fine, supra* (any dependent claim that depends from a non-obvious independent claim is non-obvious).

As for claim 17, which depends from claim 16 and therefore includes all of the features recited in claim 16, it is respectfully submitted that the combination of Williamson et al. and Willis et al. does not render unpatentable this dependent claim for the same reasons set forth above in support of the patentability of claim 16. *Id.*

As for claim 21, which depends from claim 18 and therefore includes all of the features recited in claim 18, it is respectfully submitted that the combination of Williamson et al. and Willis et al. does not render unpatentable this dependent claim for the same reasons set forth above in support of the patentability of claim 18. *Id.*

As for claim 22, which depends from claim 19 and therefore includes all of the features recited in claim 19, it is respectfully submitted that the combination of Williamson et al. and Willis et al. does not render unpatentable this dependent claim for the same reasons set forth above in support of the patentability of claim 19. *Id.*

Withdrawal of this rejection is therefore respectfully requested.

### III. New Claims 23 to 29

New claims 23 to 29 do not add any new matter and are supported in the specification.

Claims 23 to 25 depend from claim 1 and are therefore allowable for at least the same reasons as claim 1.

Claim 26 relates to a method for searching for media content and recites, *inter alia*, the following:

*... generating, from results of the searching, a results page including a first section having information of the results that applies to all of the media distribution source types from which the results were obtained, and, for each of the media distribution source types from which the results were obtained, a respective second section having all of the results obtained from the respective media distribution source type.*

None of the cited references disclose or suggest generating a results page as provided for in the context of claim 26, so that claim 26 is allowable.

Claim 27 relates to a method for searching for media content and recites, *inter alia*, the following:

*... responsive to a request for media content suggestions, periodically: searching for media content of a plurality of media distribution source types, the searching being in accordance with a user history.*

None of the cited references disclose or suggest periodically searching for media content of a plurality of source types in accordance with a user history in response to a request for suggestions as provided for in the context of claim 27, so that claim 27 and its dependent claim 28 are allowable.

Claim 29 includes subject matter analogous to that of claim 1 and is therefore allowable for at least essentially the same reasons as claim 1.

**IV. Conclusion**

In light of the foregoing, it is respectfully submitted that all of the presently pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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